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(Original Signature of Member)

114TH CONGRESS  
2D SESSION

# H. R.

To authorize the Secretary of the Interior to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. LAMALFA introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To authorize the Secretary of the Interior to issue permits for recreation services on lands managed by Federal agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Guides and Outfitters Act” or the “GO Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Special recreation permit and fee.

- Sec. 3. Permit across multiple jurisdictions.
- Sec. 4. Guidelines and permit fee calculation.
- Sec. 5. Use of permit fees for permit administration.
- Sec. 6. Adjustment to permit use reviews.
- Sec. 7. Authorization of temporary permits for new uses for the Forest Service and BLM.
- Sec. 8. Indemnification requirements.
- Sec. 9. Streamlining of permitting process.
- Sec. 10. Cost recovery reform.
- Sec. 11. Extension of Forest Service recreation priority use permits.

1 **SEC. 2. SPECIAL RECREATION PERMIT AND FEE.**

2 Subsection (h) of section 803 of the Federal Lands  
3 Recreation Enhancement Act (16 U.S.C. 6802) is amend-  
4 ed to read as follows:

5 “(h) SPECIAL RECREATION PERMIT AND FEE.—

6 “(1) IN GENERAL.—The Secretary may—

7 “(A) issue a special recreation permit for  
8 Federal recreational lands and waters; and

9 “(B) charge a special recreation permit fee  
10 in connection with the issuance of the permit.

11 “(2) SPECIAL RECREATION PERMITS.—The  
12 Secretary may issue special recreation permits in the  
13 following circumstances:

14 “(A) For specialized individual and group  
15 use of Federal facilities and Federal rec-  
16 reational lands and waters, such as, but not  
17 limited to, use of special areas or areas where  
18 use is allocated, motorized recreational vehicle  
19 use, and group activities or events.

1           “(B) To recreation service providers who  
2           conduct outfitting, guiding, and other recre-  
3           ation services on Federal recreational lands and  
4           waters managed by the Forest Service, Bureau  
5           of Land Management, Bureau of Reclamation,  
6           or the United States Fish and Wildlife Service.

7           “(C) To recreation service providers who  
8           conduct recreation or competitive events, which  
9           may involve incidental sales on Federal rec-  
10          reational lands and waters managed by the For-  
11          est Service, Bureau of Land Management, Bu-  
12          reau of Reclamation, or the United States Fish  
13          and Wildlife Service.

14          “(3) REDUCTION IN FEDERAL COSTS.—To re-  
15          duce Federal costs in administering this subsection,  
16          the issuance of a new special recreation permit for  
17          activities under paragraph (2) that have been con-  
18          sidered under previous analysis or that are similar  
19          to existing uses or are not inconsistent with ap-  
20          proved uses shall qualify for categorical exclusions  
21          under the National Environmental Policy Act of  
22          1969 (42 U.S.C. 4321 et seq.).”.

23   **SEC. 3. PERMIT ACROSS MULTIPLE JURISDICTIONS.**

24          (a) IN GENERAL.—In the case of an activity requir-  
25          ing permits pursuant to subsection (h) of section 803 of

1 the Federal Lands Recreation Enhancement Act (16  
2 U.S.C. 6802) for use of lands managed by both the Forest  
3 Service and the Bureau of Land Management—

4 (1) the Secretaries may issue a joint permit  
5 based upon a single application to both agencies  
6 when issuance of a joint permit based upon a single  
7 application will lower processing and other adminis-  
8 tration costs for the permittee, provided that the  
9 permit applicant shall have the option to apply for  
10 separate permits rather than a joint permit;

11 (2) the permit application required under clause  
12 (i) shall be—

13 (A) the application required by the lead  
14 agency; and

15 (B) submitted to the lead agency;

16 (b) REQUIREMENTS OF THE LEAD AGENCY.—The  
17 lead agency for a permit under subsection (a) shall—

18 (1) coordinate with the associated agencies,  
19 consistent with the authority of the Secretaries  
20 under section 330 of the Department of the Interior  
21 and Related Agencies Appropriations Act, 2001 (43  
22 U.S.C. 1703), to develop and issue the single, joint  
23 permit that covers the entirety of the trip;

24 (2) in processing the joint permit application,  
25 incorporate the findings, interests, and needs of the

1 associated agencies, provided that such coordination  
2 shall not be subject to cost recovery; and

3 (3) complete the permitting process within a  
4 reasonable time after receiving the permit applica-  
5 tion.

6 (d) EFFECT ON REGULATIONS.—Nothing in this sec-  
7 tion shall alter, expand, or limit the applicability of any  
8 Federal law (including regulations) to lands administered  
9 by the relevant Federal agencies.

10 (e) DEFINITIONS.—In this section:

11 (1) ASSOCIATED AGENCY.—The term “associ-  
12 ated agency” means an agency that manages the  
13 land on which the trip of the special recreation per-  
14 mit applicant will enter after leaving the land man-  
15 aged by the lead agency.

16 (2) LEAD AGENCY.—The term “lead agency”  
17 means the agency that manages the land on which  
18 the trip of the special recreation permit applicant  
19 will begin.

20 **SEC. 4. GUIDELINES AND PERMIT FEE CALCULATION.**

21 (a) GUIDELINES AND EXCLUSION OF CERTAIN REV-  
22 ENUES.—The Secretary shall—

23 (1) publish guidelines in the Federal Register  
24 for establishing recreation permit fees; and

1           (2) provide appropriate deductions from the fee  
2           established under paragraph (1) for—

3                   (A) revenue from goods, services, and ac-  
4                   tivities provided by a recreation service provider  
5                   outside Federal recreational lands and waters,  
6                   such as costs for transportation, lodging, and  
7                   other services before or after a trip; and

8                   (B) fees to be paid by permit holder under  
9                   applicable law to provide services on other Fed-  
10                  eral lands, if separate permits are issued to  
11                  that permit holder for a single event.

12          (b) **FEE CONDITIONS.**—The fee charged by the Sec-  
13          retary for a permit issued under section 803(h) of the  
14          Federal Lands Recreation Enhancement Act (16 U.S.C.  
15          6802(h)) shall not exceed 3 percent of the recreational  
16          service provider’s annual gross revenue for activities au-  
17          thorized by the permit on Federal lands, plus applicable  
18          revenue additions, minus applicable revenue exclusions or  
19          a similar flat per person fee.

20          (c) **DISCLOSURE OF FEES.**—A holder of a special  
21          recreation permit may inform its customers of the various  
22          fees charged by the Secretary under section 803(h) of the  
23          Federal Lands Recreation Enhancement Act (16 U.S.C.  
24          6802(h)).

1 **SEC. 5. USE OF PERMIT FEES FOR PERMIT ADMINISTRA-**  
2 **TION.**

3 Revenues from special recreation permits issued to  
4 recreation service providers under subparagraphs (B) and  
5 (C) of section 803(h)(1) of the Federal Lands Recreation  
6 Enhancement Act (16 U.S.C. 6802(h)(1)) shall be used—

7 (1) to partially offset the Secretary's direct cost  
8 of administering the permits; and

9 (2) to improve and stream-line the permitting  
10 process.

11 **SEC. 6. ADJUSTMENT TO PERMIT USE REVIEWS.**

12 (a) IN GENERAL.—In reviewing and adjusting alloca-  
13 tions of use for priority use permits for special uses of  
14 Federal recreational lands and waters managed by the  
15 Forest Service, and in renewing such permits, the Sec-  
16 retary of Agriculture shall allocate to a permit holder the  
17 highest amount of actual annual use over the reviewed pe-  
18 riod plus 25 percent, capped at the amount of use allo-  
19 cated when the permit was issued unless additional capac-  
20 ity is available;

21 (b) WAIVER.—Use reviews under subsection (a) may  
22 be waived for periods in which circumstances that pre-  
23 vented use of assigned capacity, such as weather, fire, nat-  
24 ural disasters, wildlife displacement, business interrup-  
25 tions, and when allocations on permits include significant  
26 shoulder seasons. The authorizing office may approve non-

1 use without reducing the number of service days assigned  
2 to the permit in such circumstances at the request of the  
3 permit holder. Approved non-use may be temporarily as-  
4 signed to other qualified permit holders when conditions  
5 warrant.

6 **SEC. 7. AUTHORIZATION OF TEMPORARY PERMITS FOR**  
7 **NEW USES FOR THE FOREST SERVICE AND**  
8 **BLM.**

9 Not later than 180 days after the date of the enact-  
10 ment of this Act, the Secretary of Agriculture and the Sec-  
11 retary of the Interior shall establish and implement a pro-  
12 gram to authorize temporary permits for new recreational  
13 uses of Federal recreational lands and waters managed by  
14 the Bureau of Land Management or the Forest Service,  
15 and to provide for the conversions of such temporary per-  
16 mits to long-term permits after 2 years of satisfactory op-  
17 eration. The issuance and conversion of such permits shall  
18 be subject to subsection (h)(3) of section 803 of the Fed-  
19 eral Lands Recreation Enhancement Act (16 U.S.C.  
20 6802).

21 **SEC. 8. INDEMNIFICATION REQUIREMENTS.**

22 (a) INDEMNIFICATION.—A permit holder that is pro-  
23 hibited by the State from providing indemnification to the  
24 Federal Government shall be considered to be in compli-  
25 ance with indemnification requirements of the Department



1 of the Interior and the Department of Agriculture if the  
2 permit holder carries the required minimum amount of li-  
3 ability insurance coverage or is self-insured for the same  
4 minimum amount.

5 (b) EXCULPATORY AGREEMENTS.—The Secretary  
6 shall not implement, administer or enforce any regulation  
7 or policy prohibiting the use of exculpatory agreements be-  
8 tween recreation service providers and their customers for  
9 services provided under a special recreation permit when  
10 such agreements are enforceable pursuant to the law of  
11 the State in which the permitted services are provided.

12 **SEC. 9. STREAMLINING OF PERMITTING PROCESS.**

13 (a) REGULATIONS.—Not later than 180 days after  
14 the date of the enactment of this Act, the Secretary of  
15 the Interior and the Secretary of Agriculture shall revise  
16 part 251, subpart B, of title 36 Code of Federal Regula-  
17 tions, and subpart 2932, of title 43, Code of Federal Reg-  
18 ulations to streamline the processes for the issuance and  
19 renewal of outfitter and guide special use permits. Such  
20 amended regulations shall—

21 (1) shorten application processing times and  
22 minimize application and administration costs; and

23 (2) provide for the use of programmatic envi-  
24 ronmental assessments and categorical exclusions for  
25 environmental reviews under the National Environ-

1       mental Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
2       for the issuance or renewal of outfitter and guide  
3       and similar recreation special use permits, to the  
4       maximum extent allowable under applicable law, in-  
5       cluding, but not limited to, use of a categorical ex-  
6       clusion for the issuance of a new special recreation  
7       permit for activities under paragraph (2)(B) of sub-  
8       section (h) of section 803 of the Federal Lands  
9       Recreation Enhancement Act (16 U.S.C. 6802) that  
10      have been considered under previous analysis or that  
11      are similar to existing uses or are not inconsistent  
12      with approved uses.

13      (b) **ONLINE APPLICATIONS.**—To the maximum ex-  
14      tent practicable, where feasible and efficient, the Secre-  
15      taries shall make special recreation permit applications  
16      available to be filled out and submitted online.

17      **SEC. 10. COST RECOVERY REFORM.**

18      (a) **REGULATORY PROCESS.**—Not later than 180  
19      days after the date of enactment of this Act, the Secretary  
20      of the Interior and the Secretary of Agriculture shall re-  
21      vise section 251.58 of title 36, Code of Federal Regula-  
22      tions, and section 2932.31(e) and (f) of title 43, Code of  
23      Federal Regulations, to reduce costs and minimize the  
24      burden of cost recovery on small businesses and adverse  
25      impacts of cost recovery on jobs in the outfitting and guid-

1 ing industry and on rural economies provided, however,  
2 that nothing in the revised regulations shall further limit  
3 the Secretaries' authority to issue or renew recreation spe-  
4 cial use permits.

5 (b) DE MINIMIS EXEMPTION.—

6 (1) COST RECOVERY LIMITATION.—Any regula-  
7 tions issued by the Secretary of the Interior or the  
8 Secretary of Agriculture to establish fees to recover  
9 processing costs for recreation special use applica-  
10 tions and monitoring costs for recreation special use  
11 authorizations shall include an exemption providing  
12 that at least the first 50 hours of work necessary in  
13 any one year to process and/or monitor such an ap-  
14 plication shall not be subject to cost recovery. The  
15 application of a 50 hour credit per permit shall also  
16 apply to any monitoring fees on a per annum basis  
17 during the term of each permit.

18 (2) APPLICATION OF EXEMPTION.—An exemp-  
19 tion under paragraph (1) shall apply to the proc-  
20 essing of each recreation special use permit applica-  
21 tion and monitoring of each recreation special use  
22 authorization for which cost recovery is required, in-  
23 cluding any application or authorization requiring  
24 more than 50 hours (or such other greater number  
25 of hours specified for exemption) to process or mon-

1       itor. In the event that the amount of work required  
2       to process such an application or monitor such an  
3       authorization exceeds the specified exemption, the  
4       amount of work for which cost recovery is required  
5       shall be reduced by the amount of the exemption.

6           (3) MULTIPLE APPLICATIONS.—In situations  
7       involving multiple recreation special use applications  
8       for similar services in the same unit or area that re-  
9       quire more than 50 hours (or such other greater  
10      number of hours specified for exemption) in the ag-  
11      gregate to process, the Secretary shall, regardless of  
12      whether the applications are solicited or unsolicited  
13      and whether there is competitive interest—

14           (A) determine the share of the aggregate  
15      amount to be allocated to each application, on  
16      an equal or prorated basis, as appropriate; and

17           (B) for each application, apply a separate  
18      exemption of up to 50 hours (or such other  
19      greater number of hours specified for exemp-  
20      tion) to the share allocated to such application.

21           (4) COST REDUCTION.—The agency processing  
22      a recreation special use application shall utilize ex-  
23      isting studies and analysis to the greatest extent  
24      practicable in order to reduce the amount of work  
25      and cost necessary to process the application.

1           (5) LIMITATION.—The Secretary of the Interior  
2           and the Secretary of Agriculture may not recover as  
3           processing costs for recreation special use applica-  
4           tions and monitoring costs for recreation special use  
5           authorizations any costs for consultations conducted  
6           under section 7 of the Endangered Species Act of  
7           1973 (16 U.S.C. 1536) or for biological monitoring  
8           on Federal recreational lands and waters under such  
9           Act for listed, proposed, or candidate species.

10          (6) WAIVER OF COST RECOVERY.—The Sec-  
11          retary of the Interior and the Secretary of Agri-  
12          culture may waive the recovery of costs for proc-  
13          essing recreation special use permit applications and  
14          renewals, on a categorical or case-by-case basis as  
15          appropriate, if the Secretary determines that—

16                (A) such costs would impose a significant  
17                economic burden on any small business or cat-  
18                egory of small businesses;

19                (B) such cost recovery could threaten the  
20                ability of an applicant or permittee to provide,  
21                in a particular area, a particular outdoor rec-  
22                reational activity that is consistent with the  
23                public interest and with applicable resource  
24                management plans; or

1 (C) prevailing economic conditions are un-  
2 favorable, such as during economic recessions,  
3 or when drought, fire, or other natural disasters  
4 have depressed economic activity in the area of  
5 operation.

6 **SEC. 11. EXTENSION OF FOREST SERVICE RECREATION**  
7 **PRIORITY USE PERMITS.**

8 Where the holder of a special use permit for outfitting  
9 and guiding that authorizes priority use has submitted a  
10 request for renewal of such permit in accordance with ap-  
11 plicable laws and regulations, the Secretary of Agriculture  
12 shall have the authority to grant the holder one or more  
13 extensions of the exiting permit for additional items not  
14 to exceed 5 years in the aggregate, as necessary to allow  
15 the Secretary to complete the renewal process and to avoid  
16 the interruption of services under such permit. Before  
17 granting an extension under this section, the Secretary  
18 shall take all reasonable and appropriate steps to complete  
19 the renewal process before the expiration of the special  
20 use permit.